

## SIXTY-SEVENTH DAY

(Tuesday, May 6, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Goodman
Allen	Halsey
Allison	Hanna
Alsup	Hardeman
Avant	Harris of Dallas
Bailey	Harris of Hill
Baker	Hartzog
Bean	Heflin
Bell	Helpinstill
Benton	Henderson
Blankenship	Hileman
Boone	Hobbs
Brawner	Howard
Bray	Howington
Bridgers	Huddleston
Brown	Huffman
Bruhl	Humphrey
Bullock	Hutchinson
Bundy	Isaacks
Burkett	Jones
Burnaman	Kelly
Carlton	Kennedy
Carrington	Kersey
Cato	Kinard
Celaya	King
Chambers	Klingeman
Clark	Knight
Cleveland	Lansberry
Coker	Lehman
Colson, Mrs.	Leyendecker
Connelly	Little
Craig	Lock
Crossley	Love
Crosthwait	Lowry
Daniel	Lucas
Davis	Lyle
Deen	McAlister
Dickson of Bexar	McCann
Donald	McDonald
Dove	McGlasson
Duckett	McLellan
Ellis	McMurry
Eubank	McNamara
Favors	Manford
Ferguson	Manning
Files	Markle
Fitzgerald	Martin
Fuchs	Matthews
Gandy	Mills
Gilmer	Montgomery

Morgan	Simpson
Morris	Skiles
Murray	Smith of Bastrop
Nicholson	Smith of Atascosa
Pace	Spacek
Parker	Spangler
Pevehouse	Stanford
Phillips	Stinson
Price	Stubbs
Rampy	Taylor
Reed of Bowie	Thornton
Rhodes	Turner
Ridgeway	Vale
Roark	Voigt
Roberts	Walters
Sallas	Wattner
Senterfitt	Weatherford
Sharpe	White
Shell	Whitesides

## Absent—Excused

Anderson	Hoyo
Dickson of Nolan	Hughes
Dwyer	Moore
Evans	Morse
Garland	Reed of Dallas
Hargis	Winfree

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, every moment we are the beneficiaries of Thy grace and Thy providence. Help us to see Thy hand as another beautiful day comes to us, and may its hours be spent usefully by us. To that end wilt Thou open our eyes that we may see, our ears, that we may hear Thy voice, and our understandings that we may be wise. In Christ's name. Amen."

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of illness:

Mr. Reed of Dallas for today, on account of illness in family, on motion of Mr. Harris of Dallas.

Mr. Morse for today on motion of Mr. Harris of Dallas.

Mr. Garland, temporarily for today, on motion of Mr. White.

Mr. Moore for today on motion of Miss Files.

The following Members were granted leaves of absence on account of important business:

Mr. Dickson of Nolan for today on motion of Mr. Pevehouse.

Mr. Dwyer for today on motion of Mr. Nicholson.

Mr. Anderson for today, on account of important State business, on motion of Mr. Nicholson.

Mr. Hargis for today on motion of Mr. Helpinstill.

Mr. Evans for today, on account of important State business, on motion of Mr. Burkett.

Mr. Hoyo for today on motion of Mr. Ridgeway.

#### HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Spacek (by request):

H. B. No. 1004, A bill to be entitled "An Act providing in all counties having a population of not less than twenty-nine thousand, two hundred and forty (29,240) and not more than twenty-nine thousand, two hundred and fifty (29,250), according to the last preceding, or any future, United States Federal Census, there shall be imposed upon all male persons who do not reside in an incorporated city, town or village, the duties of working five (5) days of eight (8) hours efficient service on public roads each year, or the payment on or before May first of each year the sum of Three Dollars (\$3); providing for the summoning of persons in said counties for work on the public roads, said summons when issued shall compel the persons to be given notice one full day before they are to report after summons for road duty; fixing age bracket for persons to be summoned; repealing all laws in conflict herewith; and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

Mr. Alsup asked unanimous con-

sent to introduce at this time and have placed on first reading House Bill No. 1005.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Alsup:

H. B. No. 1005, A bill to be entitled "An Act making an emergency appropriation to supplement Transportation Aid as provided in House Bill No. 933, Acts of the Forty-sixth Legislature, and declaring an emergency."

Referred to Committee on Appropriations.

#### TO GRANT PERMISSION TO SUE THE STATE

Mr. Harris of Dallas offered the following resolution:

H. C. R. No. 116, To grant N. D. Lenamond permission to sue the State.

Whereas, N. D. Lenamond is the owner of a lot, tract and parcel of land, occupied by him as his home, business property and rental property on the Southeast corner of Holmes Street and Bannock Street in the City of Dallas, abutting on United States Highway No. 75 along Holmes Street; and

Whereas, During the year 1940, the said N. D. Lenamond was materially and substantially damaged by the State Highway Commission by virtue of the obstruction of United States Highway No. 75 during the construction of said Highway and sustained permanent damages to his property by the reduction of the grade of the Highway running along the Holmes Street side and by moving the bed of the Highway westward approximately 50 feet and denying to the said N. D. Lenamond ingress and egress to his property and to his garage, both by himself, his business and his tenants, and which action of the State Highway Commission in the construction of said Project known as Control 92—2—10, Dallas County, beginning at

the South city limits of Dallas and ending at the Trinity River, and which construction upon completion left the said N. D. Lenamond without ingress and egress to his property, destroyed his sidewalks and destroyed and damaged the value of his property constituting a taking of his property without payment or compensation for the same; and

Whereas, The State of Texas and the State Highway Commission contend that suit cannot be maintained against said State of Texas and State Highway Commission without permission from the Legislature of the State of Texas; and

Whereas, Although the Legislature of the State of Texas does not admit that the said petitioner has a valid or just claim against the State of Texas and the State Highway Commission, it is the sense of this Legislature that no citizen of this State, who has a valid or just claim against the State of Texas or the State Highway Commission, shall be deprived of his opportunity to establish or enforce such claim by reason of any constitutional inhibition; and

Whereas, Said N. D. Lenamond has never been compensated by the State of Texas and the State Highway Commission for the damages to his property; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That N. D. Lenamond be, and hereby is, granted permission to bring suit against the State of Texas and the State Highway Commission in Dallas County at any time within two (2) years after the passage and enactment of this Resolution, in order to determine compensation for damages received, if any he can show, and that service of citation or other necessary process may be had upon the State Highway Commission and the Attorney General with the same force and effect as in civil cases, and that any judgment obtained therein shall be paid out of the funds of the State Highway Department.

The resolution was read second time and was referred by the Speaker, to the Committee on State Affairs.

## TO GRANT PERMISSION TO SUE THE STATE

Mr. Harris of Dallas offered the following resolution:

H. C. R. No. 117, To grant William Trakas permission to sue the State.

Whereas, William Trakas is the owner of a lot, tract and parcel of land, occupied by him as his home, business property and rental property on the Northeast corner of Holmes Street and Bannock Street in the City of Dallas, abutting on United States Highway No. 75 along Holmes Street; and

Whereas, During the year 1940, the said William Trakas was materially and substantially damaged by the State Highway Commission by virtue of the obstruction of United States Highway No. 75 during the construction of said Highway and sustained permanent damages to his property by the reduction of the grade of the Highway running along Holmes Street side and by moving the bed of the Highway westward approximately 50 feet and denying to the said William Trakas ingress and egress to his property and to his garage, both by himself, his business and his tenants, and which action of the State Highway Commission in the construction of said Project known as Control 92-2-10, Dallas County, beginning at the South city limits of Dallas and ending at the Trinity River, and which construction upon completion left the said William Trakas without ingress and egress to his property, destroyed his sidewalks and destroyed and damaged the value of his property constituting a taking of his property without payment or compensation for the same; and

Whereas, The State of Texas and the State Highway Commission contend that suit cannot be maintained against said State of Texas and State Highway Commission without permission from the Legislature of the State of Texas; and

Whereas, Although the Legislature of the State of Texas does not admit that the said petitioner has a valid or just claim against the State

of Texas and the State Highway Commission, it is the sense of this Legislature that no citizen of this State, who has a valid or just claim against the State of Texas or the State Highway Commission, shall be deprived of his opportunity to establish or enforce such claim by reason of any constitutional inhibition; and

Whereas, Said William Trakas has never been compensated by the State of Texas and the State Highway Commission for the damages to his property; now, therefor, be it

Resolved by the House of Representatives, the Senate concurring, That William Trakas be, and hereby is, granted permission to bring suit against the State of Texas and the State Highway Commission in Dallas County at any time within two (2) years after the passage and enactment of this Resolution, in order to determine compensation for damages received, if any he can show, and that service of citation or other necessary process may be had upon the State Highway Commission and the Attorney General with the same force and effect as in civil cases, and that any judgment obtained therein shall be paid out of the funds of the State Highway Department.

The resolution was read second time and was referred by the Speaker to the Committee on State Affairs.

#### REQUESTING THE BOARD OF CONTROL TO MAKE CERTAIN INVESTIGATION

Mr. Huddleston offered the following resolution:

H. C. R. No. 114, Requesting the Board of Control to make certain investigation in regard to the use of cotton paper.

Whereas, In the last few years cotton has been a low price and the cotton farmers and the people of Texas, and the entire South have suffered great financial loss because of this fact.

Whereas, Our strongest farm leaders and purchase leaders of our State are working on plans to stimulate the prices of cotton by urging new uses of cotton.

Whereas, It has been proven that

paper made of cotton is a success and can be made as cheaply as some other materials.

Therefore, be it resolved by the House of Representatives and Senate Concurring, That the State Board of Control be requested to investigate the matter of using paper purchased for State use.

HUDDLESTON,  
MONTGOMERY,  
GARLAND,  
CONNELLY,  
DOVE,  
ROARK,  
STUBBS.

The resolution was read second time and was adopted.

#### RELATIVE TO THE CONSTRUCTION OF MUNITIONS PLANTS

Mr. Favors offered the following resolution:

H. C. R. No. 115, Relative to the construction of munitions plants in the Panhandle area of Texas.

Whereas, It has been called to our attention that the United States Government is seriously considering locating a series of munition plants in the Tri-State Area of the Southwest; and

Whereas, The Panhandle of Texas is an ideal location because it is located in the center of the largest sweet and sour gas field in the world; and

Whereas, Many of the raw materials used in the manufacture of munitions are located in or near the Panhandle of Texas such as zinc, copper, cotton lint, potash, limestone, and petroleum; and

Whereas, The Panhandle of Texas is traversed by transcontinental highways, airways, and railroads, and is more than one hour's bombing distance from the coast, and has an abundant underground supply of water at a short distance, with an ever ready supply of natural gas for light, fuel, and power purposes; now therefore, be it

Resolved by the House of Representatives, the Senate concurring, That we request the serious consideration of the Under Secretary of War and The Office of Production

Management, Washington, D. C., as to the wonderful possibilities that this particular part of Texas offers for the erection and construction of these munitions plants in the Tri-State Area.

FAVORS,  
LITTLE,  
DEEN,  
EUBANK,  
CRAIG.

The resolution was read second time and was adopted.

#### RELATIVE TO HOUSE BILL NO. 719

On motion of Mr. Hanna, House Bill No. 719 was laid on the table.

#### PROVIDING FOR JOINT SESSION OF THE LEGISLATURE

Mr. Taylor offered the following resolution:

H. C. R. No. 119, Providing for Joint Session of the Legislature to hear Honorable H. R. Knickerbocker.

Be it resolved by the House, the Senate concurring, That the two Houses meet in Joint Session on Tuesday, May 6th, 1941, at 11:30 a. m., for the purpose of hearing an address by Mr. H. R. Knickerbocker, famous foreign correspondent.

The resolution was read second time and was adopted.

#### SENATE BILL NO. 423 ON PASSAGE TO THIRD READING

The Speaker laid before the House, as unfinished business, on its passage to third reading,

S. B. No. 423, A bill to be entitled "An Act making an appropriation for the support and maintenance of the executive and administration departments and agencies of the State government."

The bill having heretofore been read second time with committee amendment offered by Mr. Reed of Dallas pending.

Mr. Bruhl offered the following amendment to that section of the

committee amendment relative to "Texas Prison System":

Amend amendment to Senate Bill No. 423, Committee Amendment No. 1, page 170, line 8, by striking out the figure \$2,400 and inserting in lieu thereof, the figure \$2,000; and in line 16, by striking out the figure \$1,800 and inserting in lieu thereof, the figure \$1,500; and in line 28 by striking out figure \$1,800 and inserting in lieu thereof the figure \$1,440; and by striking out line 29 to 31 inclusive.

Mr. McDonald called for a division of the question in the amendment by Mr. Bruhl.

(Mr. Lyle in the Chair.)

Mr. Morris moved to table item 1, with reference to page 170, line 8 of the committee amendment.

The motion to table prevailed.

Mr. Morris moved to table item 2, with reference to line 16 of the committee amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—63

Allison	Isaacks
Alsup	Jones
Avant	Kelly
Bray	Kersey
Bridgers	Klingeman
Brown	Lansberry
Bullock	Leyendecker
Burnaman	Lock
Carlton	Lowry
Carrington	Lucas
Cato	McCann
Coker	McDonald
Crosthwait	McLellan
Eubank	Manning
Files	Markle
Fuchs	Matthews
Gandy	Montgomery
Halsey	Morris
Hardeman	Nicholson
Helpinstill	Pevehouse
Henderson	Phillips
Huffman	Rhodes
Humphrey	Ridgeway
Hutchinson	Roberts

Sharpe	Stinson
Simpson	Taylor
Skiles	Thornton
Smith of Bastrop	Turner
Smith of Atascosa	Vale
Spacek	Walters
Spangler	Weatherford
Stanford	

## Nays—53

Allen	Hileman
Bailey	Hobbs
Baker	Howington
Bean	Kennedy
Benton	Kinard
Blankenship	King
Boone	Knight
Bruhl	Lehman
Bundy	Little
Burkett	Love
Celaya	McGlasson
Cleveland	McMurry
Connelly	McNamara
Craig	Martin
Crossley	Mills
Daniel	Murray
Davis	Pace
Deen	Parker
Dickson of Bexar	Price
Donald	Rampy
Dove	Reed of Bowie
Duckett	Roark
Ellis	Senterfitt
Favors	Stubbs
Fitzgerald	Wattner
Hanna	White
Harris of Dallas	

## Present—Not Voting

Harris of Hill

## Absent

Bell	Huddleston
Brawner	Hughes
Chambers	Lyle
Clark	McAlister
Colson, Mrs.	Manford
Ferguson	Morgan
Gilmer	Sallas
Goodman	Shell
Hartzog	Voigt
Heflin	Whitesides
Howard	

## Absent—Excused

Anderson	Hoyo
Dickson of Nolan	Moore
Dwyer	Morse
Evans	Reed of Dallas
Garland	Winfree
Hargis	

Mr. Morris moved to table item 3, with reference to line 28 of the committee amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—72

Allison	Kinard
Alsup	Klingeman
Avant	Lansberry
Brawner	Leyendecker
Bray	Lock
Bridgers	Lowry
Brown	Lucas
Bullock	McCann
Burnaman	McDonald
Carlton	McGlasson
Carrington	McLellan
Cato	McNamara
Chambers	Manning
Clark	Markle
Coker	Montgomery
Crosthwait	Morgan
Dickson of Bexar	Morris
Eubank	Pace
Ferguson	Pevehouse
Files	Phillips
Fuchs	Rhodes
Gandy	Ridgeway
Halsey	Roberts
Hanna	Sharpe
Hardeman	Simpson
Harris of Dallas	Skiles
Helpinstill	Smith of Bastrop
Henderson	Spacek
Hileman	Spangler
Howard	Taylor
Huddleston	Thornton
Humphrey	Turner
Hutchinson	Vale
Jones	Walters
Kelly	Weatherford
Kersey	Whitesides

## Nays—47

Allen	Craig
Bailey	Crossley
Baker	Daniel
Bean	Davis
Benton	Deen
Blankenship	Donald
Boone	Dove
Bruhl	Duckett
Bundy	Ellis
Burkett	Favors
Cleveland	Fitzgerald
Connelly	Goodman

Hobbs	Parker
Howington	Price
Kennedy	Rampy
King	Reed of Bowie
Knight	Roark
Lehman	Senterfitt
Love	Smith of Atascosa
McMurry	Stanford
Martin	Stubbs
Mills	Voigt
Murray	Wattner
Nicholson	

**Absent**

Bell	Little
Celaya	Lyle
Colson, Mrs.	McAlister
Gilmer	Manford
Harris of Hill	Matthews
Hartzog	Sallas
Heflin	Shell
Huffman	Stinson
Isaacks	White

**Absent—Excused**

Anderson	Hoyo
Dickson of Nolan	Hughes
Dwyer	Moore
Evans	Morse
Garland	Reed of Dallas
Hargis	Winfree

Mr. Morris moved to table item 4 of the amendment with reference to line 29 to 31 inclusive, of the committee amendment.

The motion to table prevailed.

Mr. Davis offered the following amendment to that section of the committee amendment relative to Texas Prison System:

Amend committee amendment to Senate Bill No. 423 by striking out, on page 189, all of lines "37, 38 and 39."

On motion of Mr. Morris, the amendment by Mr. Davis was tabled.

Mr. Lansberry offered the following amendment to that section of the committee amendment relative to Department of Public Safety:

Amend Committee Amendment No. 1 to Senate Bill No. 423, pages 191 and 192 of the printed bill, by increasing the amounts shown in Items 8 to 37, both inclusive, by \$300.00.

(Mr. McAlister in the Chair.)

Mr. Morris moved to table the amendment by Mr. Lansberry.

The motion to table was lost.

Question then recurring on the amendment by Mr. Lansberry, it was adopted.

Mr. Lansberry moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

(Speaker in the Chair.)

Question: Shall the committee amendment be adopted?

**MESSAGE FROM THE SENATE**

Austin, Texas, May 6, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 364.

The following have been appointed on the part of the Senate: Senators Van Zandt, Aikin, Kelley, Stone and Weinert.

Adopted

H. C. R. No. 119, Providing for a joint session to hear Mr. H. R. Knickerbocker.

Respectfully,

BOB BARKER,

Secretary of the Senate.

**COMMITTEE APPOINTED TO  
ESCORT HONORABLE H. R.  
KNICKERBOCKER, JR.,  
TO SPEAKER'S STAND**

The Speaker announced the appointment of the following committee to escort Honorable H. R. Knickerbocker, Jr., to the Speaker's stand:

Messrs. Taylor, Anderson, Burnaman, Gandy, Huffman, Roberts, Sharpe, Smith of Bastrop, Daniel and Hartzog.

ADDRESS BY HONORABLE H. R.  
KNICKERBOCKER, JR.

(In Joint Session)

In accordance with the provisions of House Concurrent Resolution No. 119, adopted by the House and Senate on this morning for the purpose of hearing Honorable H. R. Knickerbocker, Jr., at 11:30 o'clock a. m. today, the Honorable Senators, escorted by Hon. Bob Barker, Secretary of the Senate, were announced at the bar of the House and, being duly admitted, were escorted to seats prepared for them along the aisle.

Lieutenant Governor Coke R. Stevenson was escorted to a seat on the Speaker's stand.

Honorable H. R. Knickerbocker, Jr., and party, escorted by Messrs. Taylor, Anderson, Burnaman, Gandy, Huffman, Roberts, Sharpe, Smith of Bastrop, Hartzog and Daniel, committee on the part of the House, were announced at the bar of the House and escorted to seats on the Speaker's stand.

Lieutenant Governor Coke R. Stevenson called the Senate to order and stated that the two Houses were in Joint Session for the purpose of hearing Honorable H. R. Knickerbocker, Jr.

The Lieutenant Governor directed the Clerk to call the roll of the Senate.

The roll of the Senate was called and the following Senators were present:

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

A quorum of the Senate was announced present.

Speaker Homer Leonard called the House to order and directed the Clerk to call the roll of the House.

The roll of the House was called and the following Members were present:

Mr. Speaker	Harris of Hill
Allen	Hartzog
Allison	Heflin
Alsup	Helpinstill
Avant	Henderson
Bailey	Hileman
Baker	Hobbs
Bean	Howard
Benton	Howington
Blankenship	Huddleston
Boone	Huffman
Brawner	Hughes
Bray	Humphrey
Bridgers	Hutchinson
Brown	Isaacks
Bruhl	Kelly
Bullock	Kennedy
Bundy	Kersey
Burkett	Kinard
Burnaman	King
Carlton	Klingeman
Carrington	Knight
Cato	Lansberry
Celaya	Lehman
Chambers	Leyendecker
Clark	Little
Cleveland	Lock
Coker	Love
Colson, Mrs.	Lowry
Connelly	Lucas
Craig	Lyle
Crossley	McAlister
Crothwait	McCann
Daniel	McDonald
Davis	McGlasson
Deen	McLellan
Dickson of Bexar	McMurry
Donald	McNamara
Dove	Manford
Duckett	Manning
Ellis	Markle
Eubank	Martin
Favors	Matthews
Ferguson	Mills
Files	Montgomery
Fitzgerald	Morgan
Fuchs	Morris
Gandy	Murray
Garland	Nicholson
Gilmer	Pace
Goodman	Parker
Halsey	Pevhouse
Hanna	Phillips
Hardeman	Price
Harris of Dallas	Rampy



Reed of Bowie	Spangler
Rhodes	Stanford
Ridgeway	Stinson
Roark	Stubbs
Roberts	Taylor
Sallas	Thornton
Senterfitt	Turner
Sharpe	Vale
Shell	Voigt
Simpson	Walters
Skiles	Wattner
Smith of Bastrop	Weatherford
Smith of Atascosa	White
Spacek	

**Absent**

Bell	Whitesides
Jones	

**Absent—Excused**

Anderson	Hoyo
Dickson of Nolan	Moore
Dwyer	Morse
Evans	Reed of Dallas
Hargis	Winfree

A quorum of the House was announced present.

Speaker Leonard then presented Lieutenant James E. Taylor, who introduced Mr. H. R. Knickerbocker, Jr., to the Joint Session.

Mr. Knickerbocker then addressed the Joint Session.

**SENATE RETIRES**

At the conclusion of the address the Senate, at 12:20 o'clock p. m., retired to its Chamber.

**RECESS**

On motion of Mr. Kersey, the House, at 12:21 o'clock p. m., took recess until 2:30 o'clock p. m. today.

**AFTERNOON SESSION**

The House met at 2:30 o'clock p. m. and was called to order by the Speaker.

**LEAVES OF ABSENCE GRANTED**

Mr. Nicholson was granted leave of absence for this afternoon on account of important business, on motion of Mr. Burkett.

**COMMUNICATION**

The Speaker laid before the House and had read the following communication:

Houston, Texas, May 3, 1941.

Mr. Homer Leonard, Speaker of the House, Austin, Texas.

Dear Mr. Leonard: My daughters and myself are deeply grateful to you and to Mr. Morse and Mr. Brown, and to the Members of the House for your thoughtfulness and fine courtesy in adopting and sending to us House Simple Resolution No. 169, extending sympathy to us in the death of Mrs. Townes.

My children and I are deeply grateful to all of you.

Sincerely yours,

JOHN C. TOWNES.

(Mr. Harris of Dallas in the Chair.)

**PROVIDING FOR PRESENTATION  
OF CROSS OF MILITARY  
SERVICE TO CERTAIN  
EX-SERVICE MEN**

Mrs. Colson offered the following resolution:

H. C. R. No. 118, Providing for Presentation of Cross of Military Service to Certain Ex-Service Men.

Whereas, From time immemorial it has been thought to be fitting and proper to commemorate the valorous deeds and heroic representation of our soldiers, sailors, and marines; and

Whereas, We have twelve (12) Members of the House and Senate of the Texas Legislature who are World War veterans and descendants of Confederate Veterans and who are eligible to receive the decoration of the cross of military service; and

Whereas, The twelve (12) Members above mentioned are entitled to such decorations; and

Whereas, The United Daughters of the Confederacy will meet in the Hall of the House of Representatives on Wednesday, May 7, at 4:00 o'clock for the purpose of decorating such group of soldiers eligible for such decoration; and

Whereas, Such occasion will be an

inspiring and highly patriotic service and is in keeping with the forms and customs in such cases; and

Whereas, Many distinguished guests will be present for this inspiring and highly patriotic service; now, therefore, be it

Resolved, That the House of Representatives set aside and grant to the United Daughters of the Confederacy the day and hour hereinabove set out for the purpose of such decoration and the ceremonies incident thereto; now, therefore, be it further

Resolved, by the House of Representatives, the Senate concurring, That the ex-soldiers of the World War who are descendants of Confederate Veterans be present and receive such decorations, and that the Governor and the public generally be invited to sit with the Members of the House of Representatives and the Senate to witness the presenting of the distinguished cross of military service to each of those hereinabove mentioned who are eligible to receive the same, and that the Speaker be authorized to appoint a committee to escort our distinguished guests.

The resolution was read second time and was adopted unanimously.

#### MEMORALIZING CONGRESS IN REGARD TO PASSAGE OF CERTAIN LEGISLATION

Mr. Taylor offered the following resolution:

H. S. R. No. 249, Memorializing Congress in regard to production and delivery of goods to Democratic Nations.

Whereas, The National emergency demands that we render the utmost aid to Britain in compliance with the Lend-Lease Bill recently passed by the Congress, and now being partially put into effect, and that it called for production and delivery of the necessary supplies, and these supplies naturally will be of no value on the wharves of the Eastern coastline, but must be delivered to the point of use if any immediate value to the Democracies is to be realized; and

Whereas, The creation of bottlenecks in defense industry will unquestionably seriously handicap not

only the production, but the delivery of defense supplies; now

Therefore Be It Resolved, That the House of Representatives of the Forty-seventh Legislature of the State of Texas, do hereby petition the President of the United States and the Congress of the United States to take necessary steps to insure continued production and delivery to the Democratic Nations now engaged in war, to meet their immediate needs in combating the war against the Totalitarian Aggressor Nations, and that copies be sent to the President of the United States, to the President of the United States Senate and to the Speaker of the House of Representatives of the National Congress immediately, and to the Texas Delegation in Congress for their immediate presentation for Congressional consideration.

TAYLOR,  
HARTZOG,  
PEVEHOUSE,  
BENTON,  
SMITH of Atascosa,  
ROBERTS,  
HOWARD,  
CARLTON,  
BRIDGERS,  
LYLE,  
FITZGERALD,  
HARRIS of Dallas,  
HARDEMAN,  
GOODMAN,  
BRAY,  
HANNA,  
MORGAN,  
LANSBERRY,  
KERSEY,  
STUBBS,  
ALLISON,  
HALSEY,  
BEAN,  
MANNING,  
STINSON,  
CATO,  
ELLIS.

The resolution was read second time.

Mr. Dickson of Bexar moved to refer the resolution to the Committee on Military Affairs.

On motion of Mr. Taylor, the motion to refer was tabled.

Mr. Lock moved to postpone further consideration of the resolution until 2:30 o'clock p. m. tomorrow.

Mr. Hanna moved to table the motion to postpone.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

#### Yeas—86

Allen	Howington
Allison	Huddleston
Alsup	Hughes
Baker	Humphrey
Bean	Hutchinson
Benton	Kersey
Blankenship	Kinard
Boone	King
Brawner	Lansberry
Bray	Lehman
Bridgers	Leyendecker
Brown	Little
Bruhl	Lowry
Bullock	Lucas
Bundy	Lyle
Burkett	McCann
Carlton	McGlasson
Carrington	McNamara
Cato	Manning
Chambers	Martin
Cleveland	Matthews
Coker	Montgomery
Connelly	Morgan
Crossley	Pace
Crothwait	Parker
Daniel	Pevehouse
Deen	Phillips
Donald	Price
Dove	Roberts
Duckett	Sharpe
Ellis	Shell
Fitzgerald	Simpson
Gandy	Smith of Bastrop
Garland	Smith of Atascosa
Gilmer	Spangler
Goodman	Stanford
Hanna	Stinson
Hardeman	Stubbs
Harris of Hill	Taylor
Hartzog	Turner
Heflin	Vale
Henderson	Walters
Howard	White

#### Nays—39

Avant	Favors
Clark	Ferguson
Craig	Files
Davis	Fuchs
Dickson of Bexar	Helpinstill
Eubank	Hileman

Hobbs	Morris
Huffman	Murray
Jones	Nicholson
Kelly	Reed of Bowie
Kennedy	Rhodes
Klingeman	Roark
Knight	Sallas
Lock	Senterfitt
Love	Skiles
McAlister	Spacek
McLellan	Thornton
McMurry	Voigt
Markle	Wattner
Mills	

#### Absent

Bailey	Isaacks
Bell	McDonald
Burnaman	Manford
Celaya	Rampy
Colson, Mrs.	Ridgeway
Halsey	Weatherford
Harris of Dallas	Whitesides

#### Absent—Excused

Anderson	Hoyo
Dickson of Nolan	Moore
Dwyer	Morse
Evans	Reed of Dallas
Hargis	Winfree

Mr. Morris moved the previous question on the adoption of the resolution and the main question was ordered.

Question then recurring on the resolution by Mr. Taylor, yeas and nays were demanded.

The resolution was adopted by the following vote:

#### Yeas—102

Allen	Carlton
Allison	Carrington
Alsup	Cato
Avant	Celaya
Baker	Chambers
Bean	Clark
Benton	Cleveland
Blankenship	Coker
Boone	Connelly
Brawner	Crossley
Bray	Crothwait
Bridgers	Daniel
Brown	Deen
Bruhl	Donald
Bullock	Dove
Bundy	Duckett
Burkett	Ellis

Ferguson	McDonald
Fitzgerald	McGlasson
Garland	McMurry
Gilmer	McNamara
Goodman	Manning
Halsey	Martin
Hanna	Matthews
Hardeman	Montgomery
Harris of Dallas	Morgan
Harris of Hill	Morris
Hartzog	Murray
Heflin	Pace
Helpinstill	Parker
Henderson	Pevehouse
Howard	Phillips
Howington	Price
Huddleston	Roberts
Hughes	Senterfitt
Humphrey	Sharpe
Hutchinson	Shell
Kennedy	Simpson
Kersey	Skiles
Kinard	Smith of Bastrop
King	Smith of Atascosa
Klingeman	Spangler
Lansberry	Stanford
Lehman	Stinson
Leyendecker	Stubbs
Little	Taylor
Lock	Thornton
Lowry	Turner
Lucas	Vale
Lyle	Walters
McCann	White

**Nays—16**

Craig	Love
Davis	Mills
Dickson of Bexar	Nicholson
Eubank	Rampy
Favors	Reed of Bowie
Fuchs	Rhodes
Huffman	Sallas
Knight	Voigt

**Present—Not Voting**

Colson, Mrs.	McLellan
Files	Markle
Hileman	Roark
Hobbs	Spacek
Jones	Wattner
Kelly	

**Absent**

Bailey	McAlister
Bell	Manford
Burnaman	Ridgeway
Gandy	Weatherford
Isaacks	Whitesides

**Absent—Excused**

Anderson	Hoyo
Dickson of Nolan	Moore
Dwyer	Morse
Evans	Reed of Dallas
Hargis	Winfree

(Speaker in the Chair.)

**SENATE BILL NO. 423 ON PASSAGE TO THIRD READING**

The Speaker laid before the House, as unfinished business, Senate Bill No. 423, making certain appropriations for the support and maintenance of the executive and administrative departments, etc., on its passage to third reading.

The bill having heretofore been read second time with committee amendment offered by Mr. Reed of Dallas, pending.

Mr. Alsup offered the following amendment to that section of the committee amendment relative to State Department of Public Welfare:

Amend Committee Amendment No. 1 to Senate Bill No. 423, by adding at the end of the Commodity Distribution Division section the following:

“Provided that the State Department of Public Welfare shall apply to the Works Progress Administration for continuing the necessary projects for the commodity distribution and supervision of commodity distribution. And provided that in the event the Works Projects Administration continues to provide funds for these services as it has done since September 1, 1939, then in that event, the State Department of Public Welfare is prohibited from using the funds provided in Items 89 to 127, inclusive, and Item 129 of the above appropriations for these services. Provided further that, in that event, the State Department of Public Welfare may use the funds provided in Items 89 to 127, inclusive, and Item 129, of the above appropriations for transportation of surplus commodities for the free hot school lunch program and otherwise to the extent necessary for the efficient and economical distribution of surplus

commodities made available to the State Department of Public Welfare.

Mr. Hartzog moved the previous question on the pending amendments and that section of the committee amendment relative to Department of Public Welfare, and the motion was not seconded.

Question recurring on the amendment by Mr. Alsup, it was adopted.

Mr. Manning offered the following amendment to that section of the committee amendment relative to Old Age Assistance Division:

Amend committee amendment to Senate Bill No. 423, page 235 by striking out line "23."

Mr. Alsup moved to table the amendment.

The motion to table was lost.

Question then recurring on the amendment by Mr. Manning, it was adopted.

Mr. Morris moved to reconsider the vote by which the amendment was adopted.

Mr. Manning moved to table the motion to reconsider.

Question recurring on the motion to table. Yeas and nays were demanded.

The motion to table was lost by the following vote:

#### Yeas—57

Avant	Goodman
Bailey	Hanna
Baker	Henderson
Benton	Hileman
Blankenship	Hobbs
Bruhl	Howington
Burkett	Hughes
Cato	Hutchinson
Cleveland	Kinard
Craig	King
Crossley	Klingeman
Daniel	Leyendecker
Davis	Lowry
Deen	McDonald
Donald	McGlasson
Dove	McLellan
Duckett	McMurry
Ellis	McNamara
Ferguson	Manford
Fuchs	Manning

Martin  
Montgomery  
Murray  
Pace  
Parker  
Phillips  
Rampy  
Rhodes  
Roark

Sallas  
Senterfitt  
Sharpe  
Simpson  
Thornton  
Turner  
Voigt  
White

#### Nays—63

Allison	Knight
Alsup	Lansberry
Bean	Lehman
Brawner	Lock
Bray	Love
Bridgers	Lucas
Bullock	Lyle
Burnaman	McAlister
Carlton	McCann
Carrington	Markle
Chambers	Matthews
Clark	Mills
Coker	Morgan
Connelly	Morris
Eubank	Pevehouse
Favors	Price
Files	Reed of Bowie
Fitzgerald	Ridgeway
Garland	Roberts
Halsey	Shell
Hardeman	Skiles
Harris of Dallas	Smith of Bastrop
Harris of Hill	Smith of Atascosa
Hartzog	Spacek
Helpinstill	Spangler
Howard	Stanford
Huddleston	Stubbs
Huffman	Taylor
Isaacks	Vale
Jones	Walters
Kennedy	Wattner
Kersey	

#### Absent

Allen	Gandy
Bell	Gilmer
Boone	Heflin
Brown	Humphrey
Bundy	Kelly
Celaya	Little
Colson, Mrs.	Stinson
Crothwait	Weatherford
Dickson of Bexar	Whitesides

#### Absent—Excused

Anderson	Moore
Dickson of Nolan	Morse
Dwyer	Nicholson
Evans	Reed of Dallas
Hargis	Winfrey
Hoyo	

Question then recurring on the motion to reconsider the vote by which the amendment by Mr. Manning was adopted. Yeas and nays were demanded.

The motion to reconsider was lost by the following vote:

## Yeas—56

Allison	Kersey
Alsup	Knight
Bailey	Lansberry
Bean	Lehman
Brawner	Lock
Bray	Love
Bullock	Lucas
Burnaman	Lyle
Carlton	McAlister
Carrington	McCann
Chambers	Markle
Coker	Morgan
Connelly	Morris
Dickson of Bexar	Pevehouse
Eubank	Ridgeway
Favors	Roberts
Ferguson	Shell
Files	Smith of Bastrop
Fitzgerald	Smith of Atascosa
Hardeman	Spacek
Harris of Dallas	Spangler
Harris of Hill	Stanford
Hartzog	Stubbs
Helpinstill	Taylor
Howard	Turner
Huddleston	Vale
Jones	Walters
Kennedy	Wattner

## Nays—62

Avant	Henderson
Baker	Hileman
Benton	Hobbs
Bruhl	Howington
Burkett	Huffman
Cato	Hughes
Cleveland	Hutchinson
Craig	Kinard
Crossley	King
Daniel	Klingeman
Davis	Leyendecker
Deen	Lowry
Donald	McDonald
Dove	McGlasson
Duckett	McLellan
Ellis	McMurry
Fuchs	McNamara
Garland	Manford
Goodman	Manning
Halsey	Martin
Hanna	Matthews
Heflin	Mills

Montgomery	Roark
Murray	Sallas
Pace	Senterfitt
Parker	Sharpe
Phillips	Simpson
Price	Skiles
Rampy	Thornton
Reed of Bowie	Voigt
Rhodes	White

## Absent

Allen	Crosthwait
Bell	Gandy
Blankenship	Gilmer
Boone	Humphrey
Bridgers	Isaacks
Brown	Kelly
Bundy	Little
Celaya	Stinson
Clark	Weatherford
Colson, Mrs.	Whitesides

## Absent—Excused

Anderson	Moore
Dickson of Nolan	Morse
Dwyer	Nicholson
Evans	Reed of Dallas
Hargis	Winfree
Hoyo	

Mr. Manning offered the following amendment to that section of the committee amendment relative to Old Age Assistance Division:

Amend committee amendment to Senate Bill No. 423, page 236, by striking out the figures "\$2,400.00" wherever they appear on lines 4 to 13, inclusive, and inserting "\$2,100.00."

(Mr. Harris of Dallas in the Chair.)

On motion of Mr. Alsup, the amendment by Mr. Manning was tabled.

Mr. Manning moved to suspend the Rules for the purpose of making a motion to reconsider the vote by which the amendment was tabled.

The motion to suspend the Rules was lost.

Mr. Davis offered the following amendment to that section of the committee amendment relative to Old Age Assistance Commission:

Amend committee amendment to Senate Bill No. 423 by striking out

the figures "\$5,000.00—\$5,000.00" on page 233, line 33, and substituting in lieu thereof "\$3,000.00—\$3,000.00."

Mr. Alsop offered the following substitute for the amendment by Mr. Davis:

Amend Committee Amendment No. 1 by striking out the figures "\$5,000.00—\$5,000.00" on page 235, line 33, and substituting in lieu thereof "\$3,600.00—\$3,600.00."

The substitute amendment was adopted.

The amendment by Mr. Davis, as substituted by amendment by Mr. Alsop, was then adopted.

Mr. Davis offered the following amendment to that section of the committee amendment relative to Old Age Assistance Commission:

Amend committee amendment to Senate Bill No. 423 by striking out the figures "6,000.00—6,000.00," on page 233, line 31, and substituting in lieu thereof the following:

"5,000.00—5,000.00."

Mr. Alsop moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

#### Yeas—78

Allen	Crosthwait
Allison	Daniel
Alsop	Dickson of Bexar
Avant	Donald
Bean	Duckett
Benton	Ellis
Boone	Eubank
Brawner	Favors
Bridgers	Ferguson
Brown	Files
Bullock	Fitzgerald
Carlton	Gandy
Carrington	Hanna
Cato	Hardeman
Chambers	Harris of Hill
Cleveland	Heflin
Coker	Helpinstill
Connelly	Hutchinson
Craig	Isaacks
Crossley	Jones

Kelly  
Kennedy  
Kersey  
Kinard  
Klingeman  
Lansberry  
Lock  
Love  
Lowry  
Lucas  
McAlister  
McCann  
McDonald  
Markle  
Matthews  
Montgomery  
Morgan  
Morris  
Phillips

Price  
Ridgeway  
Roberts  
Sharpe  
Shell  
Simpson  
Skiles  
Smith of Bastrop  
Smith of Atascosa  
Spacek  
Spangler  
Stanford  
Stinson  
Stubbs  
Thornton  
Vale  
Walters  
Wattner  
Weatherford

#### Nays—38

Bailey	Knight
Baker	Lehman
Bray	Leyendecker
Bruhl	McGlasson
Burkett	McLellan
Burnaman	McMurry
Davis	McNamara
Deen	Manning
Dove	Martin
Fuchs	Mills
Goodman	Murray
Henderson	Pace
Hileman	Parker
Hobbs	Rampy
Howington	Reed of Bowie
Huffman	Rhodes
Hughes	Roark
Humphrey	Senterfitt
King	Voigt

#### Present—Not Voting

White

#### Absent

Bell	Howard
Blankenship	Huddleston
Bundy	Little
Celaya	Lyle
Clark	Manford
Colson, Mrs.	Pevehouse
Garland	Sallas
Gilmer	Taylor
Halsey	Turner
Hartzog	Whitesides

#### Absent—Excused

Anderson	Evans
Dickson of Nolan	Hargis
Dwyer	Hoyo

Moore  
Morse  
Nicholson

Reed of Dallas  
Winfree

Mr. Manning offered the following amendment to that section of the committee amendment relative to Old Age Assistance Commission:

Amend committee amendment to Senate Bill No. 423 on page 236, items 707 to 716, inclusive, changing the amounts of \$2,400 wherever it occurs to \$2,000.

Mr. Alsup moved to table the amendment by Mr. Manning.

Mr. Carlton moved the previous question on that section of the committee amendment relative to Old Age Assistance Commission and the motion was not seconded.

Question recurring on the motion, to table the amendment by Mr. Manning, it prevailed.

Mr. Manning offered the following amendment to that section of the committee amendment relative to Old Age Assistance Commission:

Amend committee amendment to Senate Bill No. 423, page 238, items 801 to 1073, inclusive, on page 245, changing \$2,100.00 wherever it appears to \$1,800.00.

MANNING,  
DAVIS.

On motion of Mr. Alsup, the amendment by Mr. Manning was tabled.

Mr. Howington offered the following amendment to that section of the committee amendment relative to Railroad Commission of Texas:

Amend Committee Amendment No. 1 to Senate Bill No. 423, as printed, on page 249, lines 6, 7, and 8, items 1, 2 and 3, part salaries of commissioners by striking out the respective amounts of "\$3,000.00" in each column thereof, and inserting in lieu thereof, "\$2,000.00," in each column.

HOWINGTON,  
BURKETT.

Mr. Bullock moved to table the amendment.

Question recurring on the motion

to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

#### Yeas—69

Allen	Kersey
Alsup	Klingeman
Bean	Knight
Blankenship	Lansberry
Boone	Leyendecker
Brawner	Lock
Bridgers	Lucas
Brown	Lyle
Bullock	McCann
Burnaman	McGlasson
Carlton	Markle
Carrington	Matthews
Cato	Montgomery
Celaya	Morgan
Cleveland	Morris
Connelly	Pace
Craig	Phillips
Crossley	Price
Daniel	Ridgeway
Donald	Roark
Ellis	Roberts
Favors	Sharpe
Ferguson	Shell
Files	Smith of Bastrop
Fitzgerald	Smith of Atascosa
Gandy	Spacek
Halsey	Spangler
Hardeman	Stanford
Harris of Hill	Stinson
Heflin	Thornton
Hughes	Turner
Hutchinson	Vale
Isaacks	Walters
Jones	Wattner
Kennedy	

#### Nays—47

Avant	Henderson
Bailey	Hileman
Benton	Hobbs
Bray	Howington
Bruhl	Huddleston
Bundy	Huffman
Burkett	Humphrey
Chambers	King
Coker	Lehman
Crosthwait	Love
Davis	Lowry
Deen	McLellan
Dove	McMurry
Duckett	McNamara
Eubank	Martin
Fuchs	Mills
Garland	Murray
Hanna	Parker
Helpinstill	Rampy



Reed of Bowie	Stubbs
Rhodes	Voigt
Sallas	White
Senterfitt	Whitesides
Simpson	

Present—Not Voting

Allison

Absent

Baker	Kinard
Bell	Little
Clark	McAlister
Colson, Mrs.	McDonald
Dickson of Bexar	Manford
Gilmer	Manning
Goodman	Pevehouse
Hartzog	Skiles
Howard	Taylor
Kelly	Weatherford

Absent—Excused

Anderson	Moore
Dickson of Nolan	Morse
Dwyer	Nicholson
Evans	Reed of Dallas
Hargis	Winfree
Hoyo	

(Speaker in the Chair.)

Mr. Howington offered the following amendment to that section of the committee amendment relative to Railroad Commission of Texas:

Amend Committee Amendment No. 1 to Senate Bill No. 423, as printed on page 253, by striking out lines 17, 18, 23 and 37, items 100, 103 and 115.

HOWINGTON,  
BURKETT.

On motion of Mr. Bullock, the amendment by Mr. Howington was tabled.

Mr. Burkett offered the following amendment to that section of the committee amendment relative to Railroad Commission of Texas:

Amend Committee Amendment No. 1 to Senate Bill No. 423 of the printed bill, by striking out the words and figures on page 255, lines 15 to 20 inclusive; page 256, lines 17 to 22 and lines 26 to 30 inclusive; page 257, lines 5 to 21 inclusive; page 258, lines 5 to 12 and lines 28 to 39 inclusive, and inserting in the proper place "Field In-

spector" on each line after each item as follows:

12 lines and items of \$2,220.00 for each year;

20 lines and items of \$1,980.00 for each year;

23 lines and items of \$1,800.00 for each year.

Mr. Bullock moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—77

Allen	Lehman
Allison	Leyendecker
Alsup	Little
Avant	Lock
Baker	Love
Bean	Lucas
Boone	Lyle
Brawner	McAlister
Brown	McCann
Bullock	McDonald
Burnaman	McLellan
Carrington	McMurry
Cato	Manning
Celaya	Markle
Clark	Matthews
Cleveland	Montgomery
Connelly	Morgan
Craig	Morris
Crosthwait	Pace
Donald	Pevehouse
Ellis	Phillips
Favors	Price
Ferguson	Reed of Bowie
Files	Ridgeway
Goodman	Roark
Halsey	Roberts
Hardeman	Sharpe
Harris of Dallas	Skiles
Heflin	Smith of Bastrop
Henderson	Smith of Atascosa
Huffman	Spacek
Hughes	Stanford
Hutchinson	Stinson
Isaacks	Turner
Jones	Vale
Kennedy	Walters
Klingeman	Wattner
Knight	Weatherford
Lansberry	

Nays—35

Bafley	Bray
Benton	Bruhl

Bundy	Howington
Burkett	Huddleston
Chambers	Kinard
Davis	King
Deen	Lowry
Dove	McGlasson
Duckett	McNamara
Eubank	Martin
Fitzgerald	Mills
Fuchs	Murray
Gandy	Parker
Garland	Rhodes
Hanna	Senterfitt
Helpinstill	Simpson
Hileman	Thornton
Hobbs	

**Absent**

Bell	Humphrey
Blankenship	Kelly
Bridgers	Kersey
Carlton	Manford
Coker	Rampy
Colson, Mrs.	Sallas
Crossley	Shell
Daniel	Spangler
Dickson of Bexar	Stubbs
Gilmer	Taylor
Harris of Hill	Voigt
Hartzog	White
Howard	Whitesides

**Absent—Excused**

Anderson	Moore
Dickson of Nolan	Morse
Dwyer	Nicholson
Evans	Reed of Dallas
Hargis	Winfree
Hoyo	

Mr. Burkett offered the following amendment to that section of the committee amendment relative to Railroad Commission of Texas:

Amend Committee Amendment No. 1 to Senate Bill No. 423, on page 260, line 38, item 370, of the printed bill, by striking out the figures and amounts \$600.00 for each year and inserting the figures \$900.00 for each year.

Question recurring on the amendment by Mr. Burkett, it was adopted.

Mr. Burkett offered the following amendment to that section of the committee amendment relative to Railroad Commission of Texas:

Amend Committee Amendment No. 1 to Senate Bill No. 423, as printed, on page 262, by striking out in line 3, the following:

"There are also appropriated out of said receipts for each of the years ending August 31, 1942, and August 31, 1943, any additional amounts necessary for performing the duties required by said laws, provided any salaries paid shall not exceed the above itemized scale of salaries for the same or similar services."

Mr. Bullock moved to table the amendment by Mr. Burkett.

The motion to table prevailed.

Mr. Burkett offered the following amendment to that section of the committee amendment relative to Railroad Commission of Texas:

Amend Committee Amendment No. 1 to Senate Bill No. 423, as printed, on page 263, by striking out the following beginning in line 26 and ending in line 31, as follows:

"There is also appropriated out of the receipts for each of the years ending August 31, 1942, and August 31, 1943, an additional amount necessary for performing the duties required by said laws provided any salaries paid shall not exceed the above itemized scale of salaries for the same or similar services."

Question: Shall the amendment by Mr. Burkett be adopted?

#### TO PROVIDE FOR CERTAIN RECESS PERIOD

Mr. Isaacks offered the following resolution:

H. C. R. No. 120, To provide for certain Recess Period.

Whereas, Under the extraordinary conditions existing throughout the country, brought about by the fact that with the exception of those of the Western Hemisphere, practically all of the countries of the world are at war, with the result that European Democracies have been and are being crushed by inhuman dictators, and our own country has discarded its former position of neutrality and is in sympathy with and rendering aid to those unfortunate Democracies, thereby creating the probability of involving us in actual war, thus creating an emergency that

demands all possible cooperation with and active aid of all the states to the general government in its defense of the country and its citizenship; and

Whereas, All of this demands that our own State be constantly on the alert, especially as to its governmental machinery and more especially that its legislative branch be not adjourned sine die so that it cannot meet of its own accord at frequent intervals;

Therefore, Be It Resolved by the House of Representatives, the Senate concurring, That on Saturday, May 17, 1941, at 12:00 o'clock noon the Legislature recess during the period from that date and hour until Tuesday, July 15, 1941, at noon, when it shall again convene at the State Capitol;

Be It Further Resolved, That during said period of recess the Members of the Legislature shall draw no per diem for their services, and that all employees of both branches of the Legislature be discharged from service, and that the elective officers of the House and Senate, be allowed no compensation during such recess, except such officers and employees as the President of the Senate and Speaker of the House find necessary to retain.

ISAACKS,  
HUTCHINSON,  
LOWRY,  
HARTZOG,  
GOODMAN,  
BOONE,  
HARDEMAN,  
MORRIS,  
LANSBERRY,  
COKER,  
HUMPHREY,  
CATO,  
HALSEY,  
McCANN,  
SETERFITT,  
DANIEL,  
BUNDY,  
WHITE,  
CARLTON.

The resolution was read second time.

Mr. Harris of Hill offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 120, by striking out the

words and figures "May 17," and inserting in lieu thereof, "May 24."

HARRIS, of Hill,  
MORRIS,  
HUMPHREY,  
COKER.

Mr. Burnaman offered the following substitute for the amendment by Mr. Harris of Hill:

Amend House Concurrent Resolution No. 120, line No. 19, by striking out the words and figures May 17, and substituting in lieu thereof, the words and figures "June 2nd."

The substitute amendment by Mr. Burnaman was adopted.

The amendment by Mr. Harris of Hill, as substituted, was then adopted.

Mr. McGlasson offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 120, page 1, paragraph No. 3, line 4, by adding after the word noon the following:

"or at any time prior to said July 15, 1941, at the call of the Speaker of the House of Representatives and the President of the Senate, or the Governor."

McGLASSON,  
MANNING.

The amendment was adopted.

Mr. Kersey offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 120, by striking out the Resolving Clause and insert in lieu thereof the following:

"Resolved by the House of Representatives of the 47th Legislature, the Senate concurring; That the Regular Session of the 47th Legislature adjourn sine die on June 2, 1941, at 12:00 o'clock midnight."

Mr. Alsop raised a point of order on the amendment on the ground that the amendment is not germane to the resolution.

The Speaker sustained the point of order.

Mr. Lowry moved the previous question on the resolution by Mr.

Isaacks and the main question was ordered.

Question recurring on the resolution, as amended, yeas and nays were demanded.

The resolution, as amended, was adopted by the following vote:

## Yeas—78

Allison	Hutchinson
Alsup	Isaacks
Avant	Kelly
Baker	Kinard
Bean	Klingeman
Benton	Lansberry
Boone	Lehman
Brawner	Leyendecker
Bray	Love
Bridgers	Lowry
Brown	McDonald
Bullock	McGlasson
Bundy	McLellan
Burnaman	Manford
Carlton	Manning
Carrington	Markle
Cato	Martin
Cleveland	Mills
Coker	Montgomery
Connelly	Morris
Daniel	Murray
Deen	Phillips
Dickson of Bexar	Reed of Bowie
Dove	Ridgeway
Favors	Rhodes
Files	Senterfitt
Fuchs	Shell
Gilmer	Simpson
Halsey	Skiles
Hardeman	Smith of Atascosa
Harris of Dallas	Spangler
Harris of Hill	Stanford
Hartzog	Stubbs
Heflin	Taylor
Henderson	Thornton
Howard	Turner
Huffman	Vale
Hughes	Weatherford
Humphrey	Whitesides

## Nays—52

Allen	Donald
Bailey	Duckett
Burkett	Ellis
Chambers	Eubank
Clark	Ferguson
Colson, Mrs.	Fitzgerald
Craig	Gandy
Crossley	Garland
Crosthwait	Goodman
Davis	Hanna

Helpinstill	Morgan
Hileman	Nicholson
Howington	Pace
Huddleston	Parker
Jones	Pevehouse
Kennedy	Price
Kersey	Rampy
King	Roark
Knight	Roberts
Little	Sallas
Lock	Sharpe
Lucas	Smith of Bastrop
Lyle	Spacek
McMurry	Stinson
McNamara	Walters
Matthews	Wattner

## Absent

Bell	McAlister
Blankenship	McCann
Bruhl	Voigt
Celaya	White
Hobbs	

## Absent—Excused

Anderson	Hoyo
Dickson of Nolan	Moore
Dwyer	Morse
Evans	Reed of Dallas
Hargis	Winfree

Mr. Isaacks moved to reconsider the vote by which the resolution, as amended, was adopted and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—71

Allison	Coker
Alsup	Connelly
Avant	Daniel
Baker	Deen
Bean	Dickson of Bexar
Benton	Dove
Boone	Favors
Bray	Files
Brown	Fuchs
Bullock	Gilmer
Bundy	Halsey
Burnaman	Hardeman
Carlton	Harris of Dallas
Carrington	Harris of Hill
Cato	Hartzog
Celaya	Heflin
Cleveland	Henderson

Howard  
Hughes  
Humphrey  
Hutchinson  
Isaacks  
Kelly  
Kinard  
Klingeman  
Lansberry  
Lehman  
Leyendecker  
Love  
Lowry  
McDonald  
Manford  
Manning  
Markle  
Martin  
Mills

Montgomery  
Morris  
Murray  
Phillips  
Reed of Bowie  
Ridgeway  
Rhodes  
Roark  
Senterfitt  
Smith of Atascosa  
Spangler  
Stanford  
Stubbs  
Taylor  
Turner  
Vale  
Weatherford  
Whitesides

## Nays—52

Allen  
Bailey  
Brawner  
Burkett  
Chambers  
Clark  
Colson, Mrs.  
Craig  
Crossley  
Crothwait  
Davis  
Donald  
Duckett  
Ellis  
Eubank  
Ferguson  
Fitzgerald  
Gandy  
Hanna  
Helpinstill  
Hileman  
Howington  
Huddleston  
Huffman  
Kennedy  
Kersey

King  
Knight  
Little  
Lucas  
Lyle  
McGlasson  
McLellan  
McMurry  
McNamara  
Matthews  
Morgan  
Pace  
Parker  
Pevehouse  
Price  
Rampy  
Roberts  
Sallas  
Sharpe  
Smith of Bastrop  
Spacek  
Stinson  
Thornton  
Voigt  
Walters  
Wattner

## Absent

Bell  
Blankenship  
Bridgers  
Bruhl  
Garland  
Goodman  
Hobbs  
Jones

Lock  
McAlister  
McCann  
Shell  
Simpson  
Skiles  
White

## Absent—Excused

Anderson  
Dickson of Nolan  
Dwyer

Evans  
Hargis  
Hoyo

Moore  
Morse  
Nicholson

Reed of Dallas  
Winfree

## NOTICE GIVEN

Mr. Hughes gave notice that he would on the next legislative day move to take up for consideration at that time House Bill No. 627, which bill was heretofore laid on the table subject to call.

EXTENDING CONGRATULATIONS  
OF THE HOUSE

Mr. Simpson offered the following resolution:

H. S. R. No. 250, Extending Congratulations of the House.

Whereas, S. Stanley Knapp has been coach of the debating team of the North Dallas High School for a number of years; and

Whereas, He has coached many fine teams over a period of years; and

Whereas, His teams the majority of the time have shown themselves to be true champions by winning the State Interscholastic League Debating Championship; and

Whereas, On May 3, 1941, two boys by the name of Cecil Munn and Jack Knowles have again brought honor to their coach and school by winning the State Interscholastic League Debating Championship for high schools; and

Whereas, The said S. Stanley Knapp has been willing to devote his own time to this particular field of endeavor; and

Whereas, This type of work helps to develop true Democratic principles for which this Government stands because it affords the opportunity to American youths to debate issues which confront the people; now, therefore, be it

Resolved, by the House of Representatives of the Forty-seventh Legislature, That it extend its praises and congratulations to the said S. Stanley Knapp and these two young men who have brought honor upon the Dallas Public School System for the fine work they have accomplished this year; and be it further

Resolved, That the Chief Clerk be instructed to mail a copy of this resolution to S. Stanley Knapp and to the two young men who are the

State Champions of debating for the year of 1941.

SIMPSON,  
HARRIS of Dallas,  
HANNA,  
STINSON,  
BLANKENSHIP,  
REED of Dallas,  
CROSTHWAIT.

The resolution was read second time and was adopted.

#### BILL REREFERRED

Mr. Spacek moved that House Bill No. 1004 be withdrawn from the Committee on Highways and Motor Traffic and referred to the Committee on Counties.

The motion prevailed.

#### ADDITIONAL SIGNERS OF HOUSE BILL

By unanimous consent of the House, the following Members were authorized to sign bill as coauthors of same, as follows:

Mr. Celaya, Mr. Lowry, Mr. Kinnard and Mr. Lyle: House Bill No. 990.

#### MESSAGE FROM THE SENATE

Austin, Texas, May 6, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 335, A bill to be entitled "An Act to amend Article 324 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 23 of the General Laws of the Regular Session of the Fortieth Legislature, etc., relating to the appointment of assistant district attorneys in any judicial district in this State consisting of more than one county in which there is situated a city of not less than thirty-four thousand (34,000) nor more than forty-four thousand (44,000) people; and declaring an emergency." (With amendments.)

S. B. No. 82, A bill to be entitled "An Act to amend Section (d) of Article 4706, Revised Civil Statutes of 1925, as amended by House Bill No. 928, Acts of the 46th Legisla-

ture, Regular Session, page 394; and declaring an emergency."

S. B. No. 83, A bill to be entitled "An Act amending Article 3726, Revised Civil Statutes, 1925, as amended by House Bill No. 73, First Called Session, 40th Legislature, relating to the admission of recorded instruments without proof, etc.; and declaring an emergency."

S. B. No. 166, A bill to be entitled "An Act to amend Chapter 160, page 406, Acts Regular Session of the 43rd Legislature, as amended by Senate Bill No. 99, Chapter 12, page 33, Acts Regular Session of the 44th Legislature, as amended by House Bill No. 135, Chapter 31, page 90, Acts Regular Session of the 44th Legislature; and declaring an emergency."

S. B. No. 294, A bill to be entitled "An Act authorizing cities to issue interest-bearing time warrants for the completion of waterworks extensions and improvements where the governing body finds that proceeds from sale of bonds are not sufficient for the purpose, etc.; and declaring an emergency."

S. B. No. 430, A bill to be entitled "An Act to fix the venue for the prosecution of persons charged with committing the offense of libel, etc.; and declaring an emergency."

S. B. No. 33, A bill to be entitled "An Act amending Article 6008 of the Revised Civil Statutes of Texas, as amended by Chapter 120, Acts of the 44th Legislature, Regular Session, defining sour gas, and other terms; and declaring an emergency."

H. B. No. 124, A bill to be entitled "An Act to amend Article 4629 of the Revised Civil Statutes of Texas, 1925, as amended, by providing grounds for a divorce; and declaring an emergency." (With amendments.)

Adopted

H. C. R. No. 118, Providing for a Joint Session to decorate soldiers.

Passed

H. B. No. 31, A bill to be entitled "An Act to provide that in all suits on account of the defalcation of, or misapplication or misappropriation of money by, any public officer in this State the official bond or bonds

of such officers executed after this Act takes effect shall inure to the benefit of the persons aggrieved by such defalcation, misapplication or misappropriation, occurring during the period covered by such bonds, and that for all purposes of limitation such suits by such persons on such bonds shall be considered and treated as actions for debt founded upon a contract in writing and governed by the four-year Statute of Limitation."

H. B. No. 284, A bill to be entitled "An Act appropriating Eight Million, One Hundred and Sixty-six Thousand, One Hundred and Ninety-two Dollars (\$8,166,192) or so much thereof as may be necessary, per year, for the biennium beginning September 1, 1941, and ending August 31, 1943, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State, etc.; and declaring an emergency." (With amendments.)

S. B. No. 305, A bill to be entitled "An Act amending Article 5172, Revised Statutes of 1925, as amended by Acts 1929, 41st Legislature, First Called Session, page 217, Chapter 86, Section 1, so as to include therein women engaged in bona fide executive or managerial positions, who earn Thirty-five (\$35.00) Dollars per week or more, exclusive of bonuses and commissions; and declaring an emergency."

S. B. No. 335, A bill to be entitled "An Act appropriating from the Unemployment Compensation Fund the sum of Two Thousand Six Hundred Sixty-seven and 64/100 (\$2,667.64) Dollars, to be paid to the Wiergate Naval Stores, Inc., Wiergate, Texas, as a refund of unemployment compensation taxes erroneously collected by the Texas Unemployment Compensation Commission of and from said Wiergate Naval Stores, Inc., etc.; and declaring an emergency."

S. B. No. 336, A bill to be entitled "An Act to provide that the Texas Prison Board shall maintain schools in all of the penitentiaries and penitentiary farms of the State of Texas, etc.; and declaring an emergency."

S. B. No. 396, A bill to be entitled

"An Act amending Article 2789 of the Revised Civil Statutes of the State of Texas, relating to the refunding of bonds issued by any town or village incorporated for free school purposes only, or any Common, Independent, or Consolidated Common, or Consolidated Independent County Line or Consolidated County Line or Rural High School District, etc.; and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### HOUSE BILL NO. 335 WITH SENATE AMENDMENTS

Mr. Leyendecker called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 335, A bill to be entitled "An Act to amend Article 324 of the Revised Civil Statutes of 1925, as amended by H. B. No. 222, Chapter 254, of the Acts of the Regular Session of the 41st Legislature, and further amending Chapter 137, Section 1, Acts of the Regular Session of 1931, of the 42nd Legislature; and declaring an emergency."

On motion of Mr. Leyendecker, the House concurred in the Senate amendments by the following vote:

Yeas—107

Allen	Cleveland
Allison	Coker
Alsup	Colson, Mrs.
Avant	Craig
Baker	Crossley
Bean	Crosthwait
Benton	Daniel
Boone	Davis
Brawner	Deen
Bray	Dickson of Bexar
Bridgers	Dove
Brown	Duckett
Bullock	Ellis
Bundy	Eubank
Burkett	Favors
Burnaman	Ferguson
Carlton	Files
Carrington	Fitzgerald
Cato	Fuchs
Celaya	Halsey
Chambers	Hanna
Clark	Hardeman

Harris of Dallas	Martin
Hartzog	Matthews
Heflin	Montgomery
Helpinstill	Murray
Hileman	Parker
Howard	Pevehouse
Huffman	Price
Hughes	Rampy
Humphrey	Reed of Bowie
Hutchinson	Ridgeway
Isaacks	Roark
Jones	Roberts
Kersey	Sallas
Kinard	Senterfitt
King	Sharpe
Klingeman	Shell
Knight	Simpson
Lansberry	Skiles
Leyendecker	Smith of Atascosa
Little	Spacek
Lock	Spangler
Love	Stanford
Lowry	Stinson
Lucas	Taylor
Lyle	Turner
McDonald	Vale
McGlasson	Voigt
McMurry	Walters
McNamara	Wattner
Manford	White
Manning	Whitesides
Markle	

## Nays—1

Thornton

## Absent

Bailey	Kelly
Bell	Kennedy
Blankenship	Lehman
Bruhl	McAlister
Connelly	McCann
Donald	McLellan
Gandy	Mills
Garland	Morgan
Gilmer	Morris
Goodman	Pace
Harris of Hill	Phillips
Henderson	Rhodes
Hobbs	Smith of Bastrop
Howington	Stubbs
Huddleston	Weatherford

## Absent—Excused

Anderson	Moore
Dickson of Nolan	Morse
Dwyer	Nicholson
Evans	Reed of Dallas
Hargis	Winfree
Hoyo	

HOUSE BILL NO. 124 WITH  
SENATE AMENDMENTS

Mr. Smith of Atascosa called up from the Speaker's table with Senate amendments, for consideration of the amendments,

H. B. No. 124, A bill to be entitled "An Act to amend Article 4629 of the Revised Civil Statutes of Texas, as amended, by striking out certain words therein; and providing for an emergency."

On motion of Mr. Smith of Atascosa, the House concurred in the Senate amendments.

Mr. Smith of Atascosa moved to reconsider the vote by which the House concurred in Senate amendments to House Bill No. 124, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 284 WITH  
SENATE AMENDMENTS

Mr. Alsup called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 284, A bill to be entitled "An Act appropriating Seven Million, Three Hundred Eighty-three Thousand and Ninety-four Dollars (\$7,383,094) per year, or so much thereof as may be necessary, for the biennium beginning September 1, 1941, and ending August 31, 1943, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State; providing for the allotment and expenditure by the State Superintendent of Public Instruction of such funds under the direction and advice of a Joint Legislative Advisory Committee; providing for the transfer of unexpended balances for the year ending August 31, 1942, to the appropriation for the year ending August 31, 1943; attaching conditions, regulations, and limitations relative to the expenditures of such appropriations; providing that schools with certain scholastic population, schools with certain consolidations, and schools within certain defined areas may be eligible for aid under the



terms of this Act under certain limitations; providing that schools within two and one-half ( $2\frac{1}{2}$ ) miles of each other should not receive aid; etc.; and declaring an emergency."

Mr. Alsup moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

**ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 364**

Mr. Alsup submitted the following Conference Committee report on House Bill No. 364:

Austin, Texas, May 6, 1941.

Honorable Coke Stevenson, President of the Senate;

Honorable Homer Leonard, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the Senate and the House on House Bill No. 364, have had the same under consideration, and beg leave to report it back to the Senate and House with the recommendation that said House Bill No. 364 be adopted in the form hereto attached.

VAN ZANDT,  
WEINERT,  
STONE,  
KELLEY,  
AIKIN,

On the part of the Senate.

ALSUP,  
HALSEY,  
LOCK,  
MRS. COLSON,  
KERSEY,

On the part of the House.

H. B. No. 364,

**A BILL**

To Be Entitled

An Act amending Article 2700, Revised Civil Statutes, 1925, pertaining to the salaries of elective County Superintendents and to office and traveling expenses; providing for salaries of County Superintendents in Counties having

not more than eight thousand (8,000) scholastic population under certain conditions; providing for assistants to the County Superintendent; providing for supervisors and their compensation; providing for the manner of payment of County Administration Expense; providing for budgets for the purpose; providing for administering the Act and repealing all general laws in conflict herewith except such general laws as provide for a part of the office expense to be paid out of the general revenue of the county; declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. Salary of the County Superintendent. The elective county superintendents shall receive from the Available School Fund of their respective counties annual salaries based on the scholastic population of such counties as follows:

Population	Amount
3,0000 or less	\$1,800.00
3,001 to 4,000	2,000.00
4,001 to 5,000	2,200.00
5,001 to 6,000	2,400.00
6,001 to 7,000	2,600.00
7,001 to 8,000	2,800.00
8,001 to 9,000	3,000.00
9,001 to 12,000	3,200.00
12,001 to 15,000	3,400.00
15,001 to 30,000	3,600.00
30,001 to 40,000	3,800.00
40,001 to 50,000	4,200.00
50,001 and over	4,800.00

Provided however, in counties having more than thirty-five hundred (3500) scholastics and less than eight thousand and one (8001) scholastics, where no supervisor is employed and where the total expense for office assistance does not exceed Eighteen Hundred (\$1800.00) Dollars per annum, the salary of the County Superintendent may be set at a sum not to exceed Three Thousand (\$3,000.00) Dollars per annum by action of the County Board of Trustees.

In making the annual Budget for County Administration expenses the County School Trustees shall make allowance out of the State Available School Fund for salary and expenses of the office of the County Superintendent and the same shall be de-

terminated by the resident scholastic population of the county. It shall be the duty of the County Board of Trustees to file the Budget for County Administration expense with the State Department of Education on or before September 1st of each scholastic year, the Budget to be approved and certified to by the President of the County Board of Education and attested to by the County Superintendent. The compensation herein provided for shall be paid monthly upon the order of the County School Trustees; provided that the salary for the month of September shall not be paid until the County Superintendent presents a receipt from the State Superintendent showing that he has made all reports required of him. The County Superintendent, with the approval and the confirmation of the County Board of Education, may employ a competent assistant to the County Superintendent at an annual salary not to exceed Two Thousand (\$2,000.00) Dollars and may also employ such other assistants as necessary provided the aggregate amount of the salaries of such other assistants shall not exceed Twelve Hundred (\$1200.00) Dollars annually; and the County Board of Education may make further provisions as it deems necessary for office and traveling expenses of the County Superintendent; provided that expenditures for office and traveling expenses of the County Superintendent shall not be less than Three Hundred (\$300.00) Dollars and not more than Eight Hundred (\$800.00) Dollars per annum, such expense shall first be proven by affidavit therefor, and said Board is hereby authorized to fix the salary of such assistants and pay same out of the same funds from which the salary and expenses of the County Superintendent are paid.

Sec. 2. The County Superintendent of Public Instruction may, with the approval of the County Board of Education, employ one or more school supervisors to assist in planning, outlining, and supervising the work of the Public Free Schools in the county which is under the supervision of the County Superintendent of Public Instruction. Said supervisor or supervisors shall at all times work under the supervision and direction of the County Superintendent

of Public Instruction, as other assistants are required to do, and must have evidence of proficiency in Rural School Supervision and must be the holder of at least a Bachelor of Science Degree or higher. Such supervisor or supervisors may receive a salary of not to exceed Two Thousand (\$2000.00) Dollars per annum, to be paid out of the same funds and in the same manner as that of the County Superintendent of Public Instruction and other assistants.

Sec. 3. It shall be the duty of the State Superintendent to remit to the depository banks of each of the respective counties the amount of the State Available School Fund; provided in the budget of each county, remittance to be made in October and February of each scholastic year, in equal amount.

Sec. 4. The State Superintendent of Public Instruction is hereby authorized to issue and transmit to county officials all instructions necessary for the proper observance and administration of this Act.

Sec. 5. All General and Special Laws in conflict herewith are hereby repealed except such laws as provide for a part of the office expense to be paid out of the general revenue of the county, except that the repealing clause shall not apply to any county that levies a special tax for the maintenance of the office of the County Superintendent in whole or in part.

Sec. 6. The fact that the County Superintendent of Public Instruction in the counties to which this Act is made applicable have multiplied duties, teachers to supervisors, and districts in sections which require such travel in the full performance of their duties, and the further fact that the salaries now paid said County Superintendents are less than paid other county officials, and the further fact that attempts to remedy deficiencies in many counties has been by Special Law, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule that bills be read on three several days, and the said Rule is hereby suspended, and this Act shall take effect and be in force from and after September 1, 1941, and it is so enacted.

On motion of Mr. Alsop the report was adopted by the following vote:

## Yeas—102

Allen	Hutchinson
Allison	Jones
Alsup	Kelly
Avant	Kennedy
Baker	Kersey
Bean	Kinard
Benton	Klingeman
Boone	Knight
Brown	Lansberry
Bullock	Lehman
Bundy	Leyendecker
Burnaman	Little
Carlton	Lock
Carrington	Love
Cato	Lyle
Celaya	McDonald
Chambers	McGlasson
Clark	McLellan
Cleveland	McNamara
Coker	Manford
Colson, Mrs.	Manning
Connelly	Markle
Craig	Martin
Crossley	Mills
Crothwait	Montgomery
Daniel	Morgan
Deen	Murray
Dickson of Bexar	Phillips
Dove	Rampy
Duckett	Reed of Bowie
Ellis	Ridgeway
Eubank	Rhodes
Favors	Roark
Ferguson	Roberts
Files	Senterfitt
Fitzgerald	Simpson
Fuchs	Skiles
Gandy	Smith of Atascosa
Gilmer	Spacek
Goodman	Spangler
Halsey	Stanford
Hanna	Stinson
Hardeman	Stubbs
Harris of Dallas	Taylor
Hartzog	Thornton
Heflin	Turner
Helpinstill	Vale
Henderson	Wattner
Hileman	Weatherford
Hughes	White
Humphrey	Whitesides

## Nays—11

Bailey	Lowry
Bray	Lucas
Burkett	Matthews
Davis	Pevehouse
Harris of Hill	Voigt
King	

## Absent

Bell	McAlister
Blankenship	McCann
Brawner	McMurry
Bridgers	Morris
Bruhl	Pace
Donald	Parker
Garland	Price
Hobbs	Sallas
Howard	Sharpe
Howington	Shell
Huddleston	Smith of Bastrop
Huffman	Walters
Isaacks	

## Absent—Excused

Anderson	Moore
Dickson of Nolan	Morse
Dwyer	Nicholson
Evans	Reed of Dallas
Hargis	Winfree
Hoyo	

RESOLUTIONS SIGNED BY  
THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, and their captions had been read severally the following enrolled resolutions:

H. C. R. No. 109, Authorizing certain corrections in House Bill No. 247.

H. C. R. No. 119, Providing for Joint Session of the Legislature to hear H. R. Knickerbocker, Jr.

H. C. R. No. 118, Providing for Joint Session of the Legislature.

SENATE BILLS ON FIRST  
READING

The following Senate bills received from the Senate today were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

S. B. No. 82, to the Committee on Insurance.

S. B. No. 83, to the Committee on Judiciary and Uniform State Laws.

S. B. No. 166, to the Committee on Banks and Banking.

S. B. No. 294, to the Committee on Municipal and Private Corporations.

S. B. No. 430, to the Committee on Criminal Jurisprudence.

S. B. No. 33, to the Committee on Oil, Gas and Mining.

S. B. No. 305, to the Committee on Labor.

S. B. No. 335, to the Committee on Appropriations.

S. B. No. 336, to the Committee on Penitentiaries.

S. B. No. 396, to the Committee on School Districts.

#### HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

By Mr. Chambers:

H. B. No. 1006, A bill to be entitled "An Act providing that all lands owned by the State of Texas situated within the boundaries of a common school district in which there is located a State park and a water reservoir of a political subdivision and against which there is a present bonded indebtedness not in excess of Nineteen Thousand Dollars (\$19,000), shall be rendered for taxation and taxes on same shall be assessed and collected for school purposes only, and shall be paid out of appropriations by the Legislature; and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Craig:

H. B. No. 1007, A bill to be entitled "An Act making it unlawful to kill quail in Roberts County, Texas; providing the Act shall be in force for a period of five (5) years; repealing all laws in conflict; providing a penalty for the violation of this Act; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Crosthwait:

H. B. No. 1008, A bill to be entitled "An Act relating to the payment to the County Judges in counties of not less than 7,050 and not more than 7,075 population, according to the last preceding Federal

Census, a compensation for the services of such county judges as budget officers of the counties; providing for the payment of such compensation out of the General Fund and/or Officers' Salary Fund of such counties in addition to any and all compensation now provided by law to be paid such county judges; repealing all laws or parts of laws, special and general, in conflict or inconsistent with the provisions of this Act; providing effective date of this Act; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Little:

H. B. No. 1010, A bill to be entitled "An Act amending Section 1 of House Bill No. 313, Acts of the Regular Session, Fortieth Legislature, 1927, to change and prescribe the time for holding the terms of District Courts in the 47th Judicial District; and providing for an emergency."

Referred to the Committee on Judicial Districts.

Mr. Celaya asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 1009.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Celaya, Mr. Lyle, Mr. Vale, Mr. Kersey, Mr. Phillips, Mr. Hartzog, Mr. Halsey, Mr. Bullock, Mr. Carlton, Mrs. Colson, Mr. Harde-  
man and Mr. McAlister:

H. B. No. 1009, A bill to be entitled "An Act extending oil and gas mineral leases granted by the State on areas covered by the coastal waters of the State or within the Gulf of Mexico in cases in which the War Department refuses to grant permits to the lessee or owner of the lease to drill thereon, providing for annual applications by the lessee to the War Department for permits, providing for the payment of rentals during the extended term of the lease, providing that if a permit is granted during the extended term of the lease the lease will continue

in force thereafter if the lessee commences operations within sixty (60) days after obtaining a permit and so long as the lessee shall continue drilling operations or if oil is discovered so long as oil, gas or other mineral is produced, providing that the lease may be continued by operations if commenced within thirty (30) days after the cessation of production during the primary term, authorizing the Commissioner of the General Land Office to issue to the lessees such instrument in writing in the nature of an extension of the lease as may be necessary or proper to carry into effect the provisions of this Act, repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Referred to the Committee on State Affairs.

Mr. Montgomery asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 1011.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Montgomery, Mr. Fuchs, Mr. Spangler, Mr. Hartzog, Mr. Little, Mr. Huddleston, Mr. Kinard, Mr. Heflin, Mr. Howard and Mr. Sharpe:

H. B. No. 1011, A bill to be entitled "An Act appropriating the sum of Three Hundred Thousand Dollars (\$300,000.00) out of any funds in the State Treasury, not otherwise appropriated, annually, for the purpose of providing permanent funds or revenue for the 'Firemen's Relief and Retirement Fund' created by House Bill No. 258, Chapter 125, page 229, of the General Laws of the Regular Session of the 45th Legislature, approved April 9th, 1937; providing for the disbursement thereof; and declaring an emergency."

Referred to the Committee on Appropriations.

Mr. Crosthwait asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 1012.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Crosthwait, Mr. Hanna, Mr. Stinson, Mr. Reed of Dallas, Mr. Blankenship, Mr. Harris of Dallas, Mr. Love, Mr. McAlister, Mr. Goodman, Mr. Boone, Mr. Bean and Mr. Simpson:

H. B. No. 1012, A bill to be entitled "An Act authorizing the commissioners court of any county having a population of One Hundred Thousand (100,000) inhabitants, or more, according to the last preceding Federal Census, to issue bonds for the purpose of refunding any and all outstanding indebtedness of such county chargeable against the General Fund which existed on April 30, 1941; providing that items of indebtedness as of said date, in the form of scrip or time-warrants, either or both, may be included in such refunding bond issue; providing that such refunding bonds shall be first authorized by a majority vote cast by the duly qualified property taxpaying voters voting at an election held for that purpose; authorizing the levy of a tax to pay principal and interest on such bonds, and providing that the amount of bonds issued under this Act shall never reach an amount where a tax of Five Cents (5¢) on the one hundred dollars' valuation will not pay current interest and provide a sinking fund sufficient to redeem them at maturity; providing that the General Laws relative to county refunding bonds, not in conflict herewith, shall apply to the issuance, approval and certification, and registration of the bonds provided for in this Act; providing that if any section, clause or phrase of this Act be held unconstitutional, such decision shall not affect the remaining portion of this Act; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

Referred to the Committee on Counties.

Mr. Daniel asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 1013.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Daniel:

H. B. No. 1013, A bill to be entitled "An Act to create the Liberty County Conservation and Reclamation District under the authority of Section 59 of Article 16 of the Constitution of Texas, for the purposes authorized by such section of the Constitution, including the control of the flood and storm waters of the Trinity River and other streams and tributaries to prevent recurring floods and destruction of life and property; providing for a name of the district and this Act; providing for directors, organization and other officers, and for the operation of the district, the authority and duty of the officers and employees, and of the district; granting certain rights, privileges, and functions to the district and duties of certain County, District and State officials in connection therewith; providing the method of securing funds and paying indebtedness; providing that no bonds shall be sold or taxes levied unless approved by a majority vote of the qualified property taxpaying voters of the district and the proposition adopted; providing the manner in which bonds may be voted, issued, sold and used; declaring floods in Liberty County to be a public calamity; donating and granting by the State to the District one-half ( $\frac{1}{2}$ ) of the State ad valorem taxes collected in Liberty County for general revenue purposes, provided all other counties in Texas are granted a similar tax donation by Senate Bill No. 5 of the Forty-seventh Regular Session of the Texas Legislature; providing the uses to which such taxes may be put and reports to be made and manner of collection and payment; providing that if any provision of this Act shall be held invalid, the other provisions shall not be affected; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Referred to the Committee on State Affairs.

Mr. Kersey asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 1014.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Kersey (by request):

H. B. No. 1014, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by certain cities and towns in the State of Texas, which levies are unenforceable because of the failure of the governing bodies in such respective cities and towns to make such levies by ordinance, or other procedural defect in levying and assessing taxes; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

#### ADJOURNMENT

On motion of Mr. Manning, the House, at 6:50 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### APPENDIX

##### STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills, as follows:

School Districts: House Bills Nos. 988, 998, 1000 and 1001; Senate Bills Nos. 238 and 437.

Public Lands and Buildings: Senate Bill No. 30.

##### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, March 27, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 731, A bill to be entitled "An Act amending House Bill No. 375 of the Acts of the Regular Session of the 47th Legislature which

became effective on March 7, 1941, for the purpose of correcting a clerical error made during passage of the bill; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 27, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 791, A bill to be entitled "An Act amending House Bill No. 6, Chapter 88, page 172, subsection (i) of Section 1, Acts of the Forty-first Legislature, Second Called Session, as amended by House Bill No. 32, Chapter 23, page 151, Acts of the Forty-first Legislature, Fifth Called Session, by adding to said subsection (i) a provision excepting vehicles used in the delivery of United States mails from the term 'Commercial Motor Vehicle'; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 6, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 114, Requesting the Board of Control to purchase paper manufactured from cotton for State use.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 6, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 115, Requesting consideration of location of a munitions plant in the Panhandle of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 6, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 119, Providing for a Joint Session of the House and Senate to hear Mr. Knickerbocker.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 6, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 118, Providing for a date for ceremony with the Daughters of the Confederacy for the purpose of presenting decorations to ex-soldiers.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, May 6, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 119, Providing for a Joint Session of the Senate and House of Representatives for the purpose of hearing Mr. Knickerbocker.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 6, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 109, Authorizing the Enrolling Clerk of the House of Representatives to correct the caption of House Bill No. 247.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 5, 1941.  
Hon. Homer L. Leonard, Speaker of  
the House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. C. R. No. 103, Inviting women  
leaders of organizations to address a  
Joint Session on May 7, 1941, at  
11:00 a. m.

Has carefully compared same and  
finds it correctly enrolled.

HOWINGTON, Chairman.

## SENT TO THE GOVERNOR

May 6, 1941

House Concurrent Resolution  
No. 103.

House Concurrent Resolution  
No. 109.

House Concurrent Resolution  
No. 119.



**In Memory of**  
**Mr. Clarence R. Wharton**

---

Mr. Howard offered the following resolution:

H. S. R. No. 248, In Memory of Mr. Clarence R. Wharton.

Whereas, Clarence R. Wharton of Houston passed away on May 1, 1941, after a life crowded with achievement in his chosen profession of the law, and in his patriotic avocation, the field of Texas history; and

Whereas, In his passing Texas has lost one of the foremost advocates ever to grace her courtrooms, and a native son who did more to bring knowledge of the glories of Texas history to her citizens than any other man; and

Whereas, Though he never sought public office, his influence in public affairs on public questions was often exerted with great effect, because of his status in the eyes of his fellow citizens; and

Whereas, He was ever ready to discharge in full his duty as a citizen in every project for the welfare of his community; and

Whereas, His memory will live in the splendid works of Texas history that came from his pen, in the decisions which record his outstanding success in important litigations, but above all in the hearts of his friends, to whom his keen wit was a delight and his generous nature a source of comfort and joy; now, therefore, be it

Resolved, That the House of Representatives of Texas mourns with his family, his professional associates, his community, and the State at large, the passing of Clarence R. Wharton, a great lawyer, a great historian, a true Texas patriot, and a real friend; and be it further

Resolved, That this resolution be spread on the Journal, and that copies thereof be forwarded to his bereaved widow and children and to the firm with which he spent his professional life.

HOWARD,  
MORSE,  
MONTGOMERY,  
WINFREE,  
HEFLIN,  
STINSON.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Anderson, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crothwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna,

Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Helpinstill, Henderson, Hileman, Hobbs, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McMurry, McNamara, Manford, Manning, Markle, Martin, Matthews, Mills, Moore, Morgan, Morris, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Rhodes, Ridgeway, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White and Whitesides.

On the motion of Mr. Celaya, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.

**In Memory of**  
**Mrs. E. W. Hellmuth**

---

Mr. Ridgeway offered the following resolution:

H. S. R. No. 251, In Memory of Mrs. E. W. Hellmuth.

Whereas, On Friday, May 2, 1941, Mrs. E. W. Hellmuth, of San Antonio, Texas, sister of Mrs. C. "Bess" Blackwell, chief operator of the telephone booth for the House of Representatives, the dearly beloved friend of every Member of the House of Representatives, was called to her reward by the Master of the Universe, who in His infinite wisdom saw fit to add another jewel to His Kingdom; and

Whereas, Mrs. Hellmuth had been a resident of Bexar County for a number of years; and

Whereas, Mrs. Hellmuth is survived by her husband, E. W. Hellmuth, of San Antonio; a daughter, Betty Rae; a son, Jack Ernest; three sisters, Mrs. A. J. Luckett of New Braunfels; Mrs. Fred Madeley of Austin, and Mrs. C. Blackwell of Austin; and her mother, Mrs. W. L. Hamilton of Austin; and

Whereas, the Membership of the House of Representatives of the Forty-seventh Legislature desires to express its sympathy to this bereaved family; now, therefore, be it

Resolved, by the House of Representatives, That the Chief Clerk of the House send a copy of this resolution to members of the family of Mrs. E. W. Hellmuth; and be it further

Resolved, That this resolution be printed in the House Journal, and when the House adjourns today, it do so in memory of the deceased.

RIDGEWAY,  
McGLASSON,  
STANFORD,  
CARRINGTON,  
VOIGT.

The resolution was read second time and was unanimously adopted by a rising vote.